IN THE HIGH COURT OF JHARKHAND AT RANCHI

C.W.J.C No. 746 of 1992(R)

Tata Iron & Steel Co. Ltd.... ... Petitioner
Vs.
The Bihar State Electricity Board & Ors.... Respondents

with

C.W.J.C. No. 2574 of 1993(R)

Tata Iron & Steel Co. Ltd.... ... Petitioner
Vs.
The Bihar State Electricity Board & Ors.... Respondents

with

C.W.J.C. No. 3839 of 1993(R)

M/s Jamshedpur Cement Limited... Petitioner
Vs.
The Bihar State Electricity Board & Ors.... Respondents

CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MRS. JUSTICE JAYA ROY

For the Petitioner: Mr. M.S. Mittal, Sr. Adv.
For the J.S.E.B.: M/s Ajit Kumar, Navin Kumar,
R.K. Singh, Advocates.

Order No. 19 ------ **Dated 1st November, 2012**

C.W.J.C. No. 746 of 1992(R) &
C.W.J.C. No. 2574 of 1993(R)

Two Civil Appeals being Civil Appeal No. 2955 of 2006 concerning the period 1990-91, 1991-92 and 1992-93 and Civil Appeal No. 2956 of 2006 concerning the period 1977-78, 1978-79 and 1982-83 were preferred before the Hon'ble Supreme Court arising out of writ petitions, preferred before this Court, being C.W.J.C. No. 746 of 1992 and C.W.J.C. No. 2574 of 1993.

The Hon'ble Supreme Court pleased to allow the above two Civil Appeals being Civil Appeal No. 2955 of 2006 and Civil Appeal No. 2956 of 2006 vide order dated

8th February, 2012. The Hon'ble Supreme Court observed that the pleas raised by the writ petitioners in its claim before the General Manager, Electricity Board and pleadings made in paragraph 18 of the writ petition no. 746 of 1992 have not been replied by the B.S.E.B now the J.S.E.B. The Hon'ble Supreme Court also observed that from the order of the High Court deciding the writ petitions, the Supreme Court could not find any consideration by the High Court to the aspects set up by the writ petitioner in paragraph 18 of the Writ Petition No. 746 of 1992. In view of above, without going further into the matter, the Hon'ble Supreme Court pleased to grant opportunity to the J.S.E.B to file reply and directed this Court to decide the two writ petitions, being C.W.J.C. No. 746 of 1992 and C.W.J.C. No. 2574 of 1993 afresh expeditiously and preferably within a period of six months from the date of receipt of records of writ petitions from the Hon'ble Supreme Court. It appears from the record that copy of the order of the Hon'ble Supreme Court was received by the High Court on 14th March, 2012. However, it was not placed before the Court in spite of the direction of the Hon'ble Supreme Court to the High Court to take the writ petitions and decide expeditiously within a period of six months from the date of receipt of records of writ petitions from the Hon'ble Supreme Court.

The Registrar General, Jharkhand High Court is directed to enquire into the matter so that departmental

proceedings may be initiated against the person/persons who did not comply with the direction of the Hon'ble Supreme Court resulting into not listing of the case in the Court within which period the matter should have been decided by the High Court.

At this juncture, it will be appropriate to observe that in spite of enacting litigation policy, the J.S.E.B did not chose to move any application for listing the matter in the Court and the same is the position with the writ petitioner who after obtaining order from the Hon'ble Supreme Court for early disposal of the writ petitions did not move any application. The Chairman, J.S.E.B is directed to give explanation as to why the order of the Hon'ble Supreme Court has not been, in spirit, complied with by moving appropriate application in the Court so that the matter could have been decided in accordance with the directions given by the Hon'ble Supreme Court.

However, in view of the permission granted by the Hon'ble Supreme Court, J.S.E.B is directed to file the reply by 27th November, 2012 by giving advance copy to the learned counsel for the petitioner. If the petitioner wants to file rejoinder to the reply filed by the Electricity Board, the same may be field by 3rd December, 2012.

Put up C.W.J.C. No. 746 of 1992 and C.W.J.C. No. 2574 of 1993 under the heading *"For Final Disposal"* on the top of the *Supplementary List* on 4th December, 2012.

C.W.J.C. No. 3839 of 1993(R)

It will be relevant to mention here that another writ petition, being C.W.J.C. No. 3839 of 1993(R) preferred by M/s Jamshedpur Cement Limited, has already been dismissed for non-prosecution. Therefore, there is no need to list this writ petition in Court. The record of this writ petition may be sent to Record Room.

(Prakash Tatia, C J)

(Jaya Roy , J)

Alankar/-